

ADAM WANG, Bar No. 201233  
12 South First Street, Suite 613  
San Jose, CA 95113  
Tel: (408) 292-1040  
Fax: (408) 416-0248

Attorney for Plaintiffs  
Feng Chen & Gui Rui Guan

UNITED STATES DISTRICT COURT  
FOR DISTRICT OF NORTHERN CALIFORNIA

FENG CHEN,

Plaintiff,

vs.

GOLDEN EAGLE GROUP, INC. DBA  
PEKING PALACE, WENYING L LO, AND  
DOES 1-10

Defendants

Case No.: C07-04433 CRB (MEJ)

REQUEST TO TAKE THE SETTLEMENT  
CONFERENCE OFF CALENDAR

After the first mediation on February 4, 2008 before Mr. Gaskill appointed by the ADR Program of this Court, parties stipulated to have this case referred to an early settlement conference. On February 19, 2008, Judge Breyer issued an order referring this case for an early settlement conference. On March 21, 2008, this Court issued a notice setting the settlement conference on June 2, 2008.

Meanwhile, parties have chosen to participate in a private mediation with Judge Alex Saldamando on April 21, 2008. Parties have fully explored the benefits of ADR process, and were unable to research a settlement. Since then, Defendants have substituted in a new counsel who appeared on May 9, 2008, at 2:00 PM.

Given the failure of previous settlement efforts, including the recent private session with Judge Saldamando, Plaintiffs believe that it may not longer be the productive use of the Court's time and resources to proceed with the settlement conference currently scheduled on June 2, 2008.

1 In a much delayed telephone conversation with the Defendants' counsel today in  
2 response to Plaintiff's prior inquiries as to his intention concerning the Settlement Conference,  
3 Defendants' counsel concurred that a settlement conference at this point would be premature.

4 As such, Plaintiffs respectfully request that the Court take this matter off its June 2, 2008  
5 calendar.

6 DATED: May 29, 2008

By: /s/ Adam Wang  
ADAM WANG  
Attorneys for Plaintiffs

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9 \_\_\_\_\_  
10 **[PROPOSED] ORDER**

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12 **GOOD CAUSE APPEARING**, IT IS HEREBY ORDERED that the Settlement  
13 Conference in this matter currently scheduled for June 2, 2008 at 2:00 PM is VACATED.  
14 IT IS SO ORDERED.

15 Dated: May \_\_\_\_\_, 2008

By: \_\_\_\_\_  
Maria-Elena James  
United States Magistrate Judge